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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/630,263
Filing Date: July 30, 2003
Applicant: Milbourne et al
Group Art Unit: To Be Assigned
Examiner: To Be Assigned
Title: IMPACT WRENCH HAVING AN IMPROVED ANVIL
TO SQUARE DRIVER TRANSITION
Attorney Docket: 0275L-000717

Mail Stop Petition
Director of the USPTO
P.O. Box 1450
Alexandria, VA 22313-1450

**AMENDMENT, PETITION, AND FEE TO DELETE AND/OR ADD TO
ORIGINALLY ERRONEOUSLY NAMED INVENTOR(S) IN DECLARATION
[37 C.F.R. 1.48(a)]**

1. This amendment and petition is to correct the incorrect original naming of inventor(s) in the declaration under 37 C.F.R. § 1.48(a) as set forth and filed on July 30, 2003.
2. ADDITION AND/OR DELETION OF INVENTOR(S):

- ☒ Add the following previously unnamed person(s) as inventor(s) of this application:

INVENTOR NAME: Beverly Kivett
ADDRESS: 10305 College Square
CITY, STATE ZIP: Columbia, Maryland 21044
CITIZENSHIP: US

- ☐ Delete the following previously incorrectly named inventor(s)

INVENTOR NAME:
ADDRESS:
CITY, STATE ZIP:
CITIZENSHIP:

(Amendment, Petition and Fee to Delete and/or Add to Original Erroneously Named Inventor(s) in Declaration)

3. ATTACHMENTS:

Attached is:

- ☒ (a) A statement from:
- ☒ each person being added as an inventor that the error in inventorship occurred without deceptive intention on his or her part. 37 C.F.R. § 1.48(a)(1).
 - ☐ each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part. 37 C.F.R. § 1.48(a)(1).
- ☒ (b) A declaration by each of the actual inventor(s) as required by 37 C.F.R. § 1.63 (or as permitted by §§1.42, 1.43, OR 1.47). 37 C.F.R. § 1.48(a)(2).
- ☒ (c) Written assent of the assignee (*if any of the original inventors executed an assignment*) 37 C.F.R. 1.48(a)(4)
- ☐ (d) Check the following item if all the inventor(s) remaining, after this petition and amendment is accepted, are not the inventor(s) of the subject matter of all the claim(s) now being claimed.)
- ☐ Attached is an explanation of the facts, including the ownership of all the claim(s) being claimed in this application, including the ownership of all the claim(s) at the time the last claimed invention was made (Declaration of Inventorship and Common Ownership of Claims in Application).

4. FEE PAYMENT: (37 C.F.R. § 1.17(i))

The fee required is paid as follows:

- ☐ Enclosed is a check for \$170.00 (\$130-petition fee; \$40-assignment recordal fee).
- ☒ Charge Account No. 02-2548 for any fee deficiency.
- ☒ Charge Account No. 02-2548 the sum of \$170.00 (\$130-petition fee; \$40-assignment recordal fee).

Respectfully submitted,

Date: March 31, 2004 By:

Ryan W. Massey
Ryan W. Massey, Reg. No. 38,543

Harness, Dickey & Pierce, P.L.C.
P.O. Box 828
Bloomfield Hills, MI 48303
248-641-1600

Please type a plus sign (+) inside this box → ☐

HDP/SB/21 based on PTO/SB/21 (08-00)

	Application Number	10/630,263	
	Filing Date	July 30, 2003	
	First Named Inventor	Milbourne et al	
	Group Art Unit	to be assigned	
	Examiner Name	to be assigned	
Total Number of Pages in This Submission		Attorney Docket Number	0275L-000717

ENCLOSURES (check all that apply)				
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input checked="" type="checkbox"/> Assignment Papers – copy of previously recorded Assignment; newly executed Assignment & Recordation Form Cover Sheet <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition to Add Inventor (in duplicate) <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Statement of Lack of Deceptive Intention; Declaration/Power of Attorney; Assent of Assignee; Statement Under 37 CFR 3.73(b); return receipt postcard		
<table border="1"> <tr> <td>Remarks</td> <td></td> </tr> </table>			Remarks	
Remarks				

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name Ryan W. Massey	Reg. No. 38,543
Signature			
Date	March 31, 2004		

CERTIFICATE OF MAILING/TRANSMISSION			
I hereby certify that this correspondence is being deposited with the United States Postal Service as express mail in an envelope addressed to: Director of the U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date indicated below.			
Typed or printed name	Ryan W. Massey	Express Mail Label No.	EV 406 074 855 US (3/31/04)
Signature		Date	March 31, 2004



PATENT

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**STATEMENT OF LACK OF DECEPTIVE INTENTION
[37 CFR § 1.48(a)(1)]**

The inventorship error of failing to include Beverly Kivett as an inventor in U.S. Application No. 10/630,263 occurred without any deceptive intention on the part of the Applicants.

Added [Third] Joint Inventor: Beverly Kivett

Signature:  Date: 3/29/03

Residence: 10305 College Square, Columbia, Maryland 21044
Citizenship: US
Post Office Address: 10305 College Square, Columbia, Maryland 21044

DECLARATION AND POWER OF ATTORNEY

Atty. Ref. 0275L-000717

DECLARATION

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name,

I believe that I am the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled:

IMPACT WRENCH HAVING AN IMPROVED ANVIL TO SQUARE DRIVER TRANSITION

the specification of which (check one)

- ☐ is attached hereto.
or
☒ was filed on July 30, 2003 as Application Serial No. or PCT
International Application No. 10/630,263 and was amended on
_____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. §§ 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATION(S)				
APPN. SERIAL NO.	COUNTRY	DATE FILED (MM/DD/YYYY)	PRIORITY CLAIM	
			Yes	No
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>

DECLARATION AND POWER OF ATTORNEY

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY

I hereby appoint Harold Weinstein, Reg. No. 20613; Edward D. Murphy, Reg. No. 20625; John D. Del Ponti, Reg. No. 24258; Charles E. Yocum, Reg. No. 30121; Bruce S. Shapiro, Reg. No. 33120; Adan Ayala, Reg. No. 38373; Michael P. Leary, Reg. No. 41144; Richard J. Veltman, Reg. No. 36957; and Paul L. Ratcliffe, Reg. No. 45290 of The Black & Decker Corporation, 701 East Joppa Road, Towson, Maryland 21286, telephone (410) 716-3900; and Christopher M. Brock, Reg. No. 27,313, Ryan W. Massey, Reg. No. 38,543, and each principal, attorney of counsel, associate, and employee of Harness, Dickey & Pierce, P.L.C., who is a registered Patent Attorney, my attorney with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

CORRESPONDENCE ADDRESS

I request the Patent and Trademark Office to direct all correspondence and telephone calls relative to this application to Customer No. 27572, Harness, Dickey & Pierce, P.L.C., P. O. Box 828, Bloomfield Hills, Michigan 48303 (248) 641-1600.

DECLARATION AND POWER OF ATTORNEY

Full name of sole or first inventor: RODNEY MILBOURNE

Inventor's signature: *Rodney Milbourne*

Date: 3-29-04

Residence: 652 Milford Court, Abingdon, Maryland 21009

Citizenship: US

Mailing Address: 652 Milford Court, Abingdon, Maryland 21009

Full name of second joint inventor, if any: STEVE DEBELIUS

Inventor's signature: *Steve Debelius*

Date: 2-24-04

Residence: 2701 Santa Olivia, Mission, Texas 78572

Citizenship: US

Mailing Address: 2701 Santa Olivia, Mission, Texas 78572

Full name of third joint inventor, if any: BEVERLY KIVETT

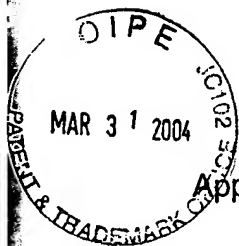
Inventor's signature: *Beverly Kivett*

Date: 3/29/04

Residence: 10305 College Square, Columbia, Maryland 21044

Citizenship: US

Mailing Address: 10305 College Square, Columbia, Maryland 21044



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Mail Stop Petition
Director of the USPTO
P.O. Box 1450
Alexandria, VA 22313-1450

ASSENT OF ASSIGNEE TO CORRECTION AND/OR ADDITION OF INVENTOR(S)

Name of Assignee: Black & Decker Inc.
Address of Assignee: 1207 Drummond Plaza, Newark, DE 19711

Assignment

- ☐ recorded on [Reel /Frame].
☐ recorded herewith.
☐ A separate Assignment Cover Sheet is attached.
☒ Copy of Form PTO-1595 and originally filed Assignment is attached.

Assignee hereby assents to the correction of inventorship filed

- ☒ herewith.
☐ on .

☒ A Statement Under 37 C.F.R. § 3.73(b) is attached.

Dated: 3/29/04



Michael P. Leary, Group Patent Counsel
(type name and title of person authorized to sign on behalf of ASSIGNEE)

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Rodney Milbourne, et al.Application No./Patent No.: 10/630,263Filed/Issue Date: July 30, 2003Entitled: Impact Wrench Having and Improved Anvil to Square Driver TransitionBlack & Decker Inc., a Delaware Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title, and interest

The extent (by percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel n/a, Frame n/a, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☐ Copies of assignments or other documents in the chain of title are attached.

(NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8)

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

March February 09, 2004

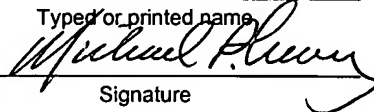
Date

(410) 716-2773

Telephone Number

Michael P. Leary

Typed or printed name



Signature

Group Patent Counsel

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

027SL-000717

1CMB
1EWM



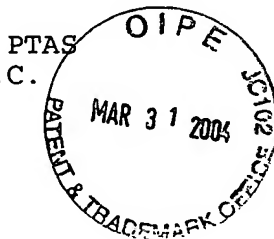
COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

FEBRUARY 23, 2004

HARNESS, DICKEY & PIERCE, P.L.C.
CHRISTOPHER M. BROCK
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303



102520613A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 07/30/2003

REEL/FRAME: 014353/0715
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

MILBOURNE, RODNEY

DOC DATE: 07/09/2003

ASSIGNOR:

DEBELIUS, STEVE

DOC DATE: 07/10/2003

ASSIGNEE:

BLACK & DECKER INC.
DRUMMOND PLAZA OFFICE PARK
1423 KIRKWOOD HIGHWAY
NEWARK, DELAWARE 19711

SERIAL NUMBER: 10630263
PATENT NUMBER:

FILING DATE: 07/30/2003
ISSUE DATE:

014353/0715 PAGE 2

VIOLET MCCOY, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

7-30-03

Form PT0-1595
(Rev. 03/01)
OMB No. 0651-0027 (exp. 5/31/2002)

R

08-11-2003



Attorney Docket No. 0275L-000717

HEET

U.S. DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office

To the Honorable Commissioner.

attached original documents or copy thereof.

1. Name of conveying party(ies):
Rodney MILBOURNE
Steve DEBELIUS



2. Name and address of receiving party(ies)

Name: Black & Decker Inc.

Internal Address:

Additional name of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other _____

Street Address: Drummond Plaza Office Park

1423 Kirkwood Highway

City: Newark State: DE Zip: 19711

Additional Name(s) & address(es) attached? ☐ Yes ☒ No

Execution Date(s): July 9, 2003; July 10, 2003

4. Application number(s) or patent number(s):

10/630263

If this document is being filed together with a new application, the execution date of the application is: July 9, 2003

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning this document should be mailed:

Name: Christopher M. Brock

Internal Address: Harness, Dickey & Pierce, P.L.C.

Street Address: P.O. Box 828

City: Bloomfield Hills State: MI Zip: 48303

6. Total number of applications and/or patents involved: 1

7. Total fee (37 CFR 3.41) \$ 40.00

- ☐ Enclosed
☒ Authorized to be charged to deposit account

8. The Commissioner is hereby authorized to charge any additional fees that may be required or credit any overpayments to Deposit Account No. 02-2548. ~~A duplicate copy of this sheet is enclosed.~~

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Ryan W. Massey
Name of Person Signing

Signature

Date

7-30-03

Total number of pages including cover sheet, attachments, and documents:

Mail documents to be recorded with required cover sheet information to:

Mail Stop Assignments, Director of the U.S. Patent and Trademark Office

P.O. Box 1450, Alexandria, VA 22313-1450

08/08/2003 6T0411

00000085 022548

10630263

01 FC:8021

40.00 DA

ASSIGNMENT

For valuable consideration, the receipt of which is hereby acknowledged by me/us, the undersigned, hereinafter referred to collectively as Assignor, does hereby sell and assign to BLACK & DECKER INC., a corporation organized and existing under the laws of the State of Delaware, U.S.A., having its principal place of business at Drummond Plaza Office Park, 1423 Kirkwood Highway, Newark, Delaware 19711, U.S.A., its successors, assigns, nominees, or other legal representatives, the entire right, title, and interest in and to the IMPROVEMENTS IN:

IMPACT WRENCH HAVING AN IMPROVED ANVIL TO SQUARE DRIVER TRANSITION

invented by me and the United States Patent application Serial No. _____, filed _____ therefor, executed concurrently herewith, and all original and reissued patents granted therefor, and all divisions and continuations thereof, including the subject matter of any and all claims which may be obtained in every such patent, and the right to apply for and obtain patents, Utility Model Registrations, and Inventor's Certificates in countries foreign to the United States, and in and to any Letters Patent, Utility Model Registration, or Inventor's Certificate which may be granted thereon in such foreign countries, including all priority rights under the International Convention associated therewith for each country of the Union, and authorize and request the Commissioner of Patents and Trademarks of the United States, and any official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue the said Letters Patent, Utility Model Registration, or Inventor's Certificate to the said BLACK & DECKER INC., its successors, assigns, nominees, or other legal representatives, as assignee of the entire interest, and covenant that I have full right to convey the entire interest herein assigned and that I have not executed and will not execute any agreement in conflict herewith, and agree that I will communicate to said Corporation, its successors, assigns, nominees, or other legal representatives, all facts known to me respecting said invention, whenever requested, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, and reissue applications, make all rightful oaths, and do all lawful acts requisite for the application for such divisional, continuing, or reissue applications, or the procuring thereof, and that if and when said BLACK & DECKER INC., its successors, assigns, nominees, or other legal representatives desire to file a disclaimer relating thereto, I/we will, upon request, sign all lawful papers requisite for the filing of such disclaimer, and I/we further covenant and agree that I/we will, at any time upon request, do everything legally possible to aid said Corporation, its successors, assigns, nominees, or other legal representatives, either in its or their own name, to apply for, obtain, and enforce patent, Utility Model, and/or Inventor's Certificate protection for said improvements in all countries, all without further consideration but at the expense of said BLACK & DECKER INC., its successors, assigns, nominees, or other legal representatives.




RODNEY MILBOURNE

Date: 7-9-03

WITNESSES:

X 

Date: 7-9-03

X 

Date: 7/9/03

Atty. Ref. 0275L-000717/US

Steve Debelius
STEVE DEBELIUS

Date: 07/10/03

WITNESSES:

x *Stacy Gayer*

Date: 7/28/03

x *[Signature]*

Date: 7/28/03